

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1, 3-6, 8-10, 12-15, 17-21 and 23-33 were pending in this application when last examined.

Claims 1, 8-10, 17 and 18 were examined on the merits and stand rejected.

Claims 3-6, 12-15, 19-21 and 23-33 were withdrawn as non-elected subject matter.

The specification is amended to correct typographical errors and to incorporate deposit information. It is noted the original claims recited "K8223".

Claims 1 and 10 are amended to clarify the claimed invention.

No new matter has been added.

II. CLAIM OBJECTIONS

In item 4 on page 4, claims 9 and 18 were objected to.

Applicants note that the specification has been amended to recite "K8223" in conformance with original claim 9. Therefore, this objection is overcome.

III. ENABLEMENT REJECTION - DEPOSIT OF MICROORGANISMS

In item 5 on pages 5-7, claims 8 and 9 were rejected under 35 U.S.C. § 112, first paragraph as lacking enablement for the deposited hybridomas.

This rejection is respectfully traversed as applied to the amended claims.

Attached herewith is a deposit receipt for Mouse-Mouse hybridoma K8223. This document is evidence that the hybridoma was deposited under the terms of the Budapest Treaty.

Pursuant to 37 CFR § 1.808, (1) access to the deposit will be available during pendency of the patent application making reference to the deposit to one determined by the Director to be entitled thereto; and (2) subject to paragraph (b) of 37 C.F.R. § 1.808, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.

The specification is amended to reflect the deposit information as required.

In view of the above, the lack of enablement rejection of claims 8 and 9 under 35 U.S.C. § 112, first paragraph, is untenable and should be withdrawn.

IV. INDEFINITENESS REJECTIONS

In item 6 on page 7, claims 1, 8-10, 17 and 18 were rejected under 35 U.S.C. § 112, second paragraph for the use of the trademark "Futhan". Claims 1 and 10 are amended as suggested by the Office. Therefore, this rejection is overcome.


CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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国際様式

INTERNATIONAL FORM

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い
発行される。

issued pursuant to Rule 7. 1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

原寄託についての受託証

氏名 (名称)

科学技術振興事業団

寄託者

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殿

1. 微生物の表示

(寄託者が付した識別のための表示)

Mousac-Mouse hybridoma K8223

(受託番号)

FERM BP- 8334

2. 科学的性質及び分類学上の位置

1 欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 14 年 3 月 6 日 (原寄託日) に受領した 1 欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、平成 14 年 3 月 6 日 (原寄託日) に 1 欄の微生物を受領した。
そして、平成 15 年 3 月 20 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。
(平成 14 年 3 月 6 日に寄託された FERM P- 18752 号より移管)

5. 国際寄託当局

独立行政法人産業技術総合研究所 特許生物寄託センター

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